



This pamphlet explains the **Community Decay Ordinance** for all of **Yellowstone County** administered by the County **Code Enforcement Officer**.

**IMPORTANT
PHONE NUMBERS**



County Code Enforcement	247-8675
	657-8246
City Code Enforcement	
Heights/South Side	657-8313
Downtown/West End	657-8288
County Junk Vehicle	652-2050
Solid Waste	657-8260
Mackenzie Disposal	259-3600
BFI	248-5400
Yellowstone Co. Commissioners	256-2701

**County of Yellowstone
Montana
Code Enforcement Division**

Phone: 247-8675
Or: 657-8246
Fax: 406-657-8327
Email: schell-bergc@ci.billings.mt.us



Community Decay

Code Enforcement Division

**Planning and Community
Services Department**

**510 N. Broadway 4th Floor
Billings MT 59103**

COMMUNITY DECAY

Community Decay is a condition of property that creates or contributes to a public nuisance, such as the accumulation of debris, junk (including junk vehicles), garbage or salvaged items to an extent that it affects the public health, safety or welfare of an entire neighborhood or community.

WHAT IS COMMUNITY DECAY OR A PUBLIC NUISANCE



**Refrigerators/Freezers,
Washers/Dryers,
Barrels—Creating a
Hazard**

Discarded more than 24 hours without removing the door, lid, or locking/fastening device from such container.

Junk Vehicle(s) on any premises for more than thirty (30) days and in view from an adjacent public right-of-way without removing such vehicle(s) to a legal disposal site or shielding them from an adjacent public right-of-way.



Junk on any premises for more than thirty (30) days and in view from an adjacent public right-of-way without removing such material to a legal disposal site or placing such material out of view from the adjacent public right-of-way.



Obstruction to a public right-of-way.

Decaying Matter—Animal or vegetable, that is not part of an agricultural or farming operation, so as to contaminate the atmosphere and be offensive to the senses and obstruct the free enjoyment of life and property.

Dangerous Structure on or adjacent to a public right-of-way for more than thirty (30) days without securing such property against entry, or abating the dangerous condition of the structure.



FREQUENTLY ASKED QUESTIONS



Why a Community Decay Ordinance for Yellowstone County?

The Board of County Commissioners receive numerous complaints from county residents about abandoned and open buildings or mobile homes and people accumulating garbage and salvaged materials or collecting wrecked or junk vehicles. The Commissioners passed the ordinance which applies to all of Yellowstone County to prevent and prohibit conditions which reduce the value of private property, interfere with the enjoyment of public and private property, create and constitute public nuisances and contribute to the degradation of the character of neighborhoods and communities and the depreciation of property values. The ordinance allows the Yellowstone County Board of County Commissioners to control conditions in Yellowstone County that contribute to Community Decay and the authority to abate such nuisances, if necessary.

What if I get a notice in the mail and I don't agree with the Enforcement Officer?

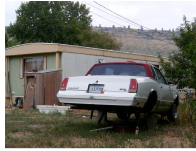
Any property owner can appeal the findings of the Enforcement Officer directly to the Board of County Commissioners. There is no charge for this appeal and the Appeal Form is included with the notice to the property owner. The Board of County Commissioners will schedule a hearing where the property owner and the Enforcement Officer present the facts of the case. The Commissioners can uphold, modify or reverse the order of the Enforcement Officer.

Can I appeal if I don't agree with the Board of County Commissioners ruling?

You can appeal to District Court within 30 days of the written findings of the Board of County Commissioners. District Court fees will apply.

What if I get a notice and do nothing?

The Enforcement Officer can request the Board of County Commissioners to order an involuntary abatement of the nuisance conditions. This is a last resort option and one the Commissioners do not take without proof the Enforcement Officer has taken every measure to work with the property owner, locate the responsible individuals and get resources to help the owner clean up the property. If the County abates the conditions on the property, the actual costs of the cleanup will be charged to the property.



What if I am going to restore/repair the vehicles and I don't want to get rid of them?

The vehicles need to be stored so that they are not visible from a public right-of-way (street, alley, or highway). If the vehicles are visible from a public right-of-way, you will need to shield them with a fence (using common fence materials). If this isn't possible, you will need to purchase license plates and keep them current until the vehicles are restored and are operable. The Community Decay Ordinance incorporated the existing State of Montana junk vehicle regulations and requirements for shielding and licensing of inoperable vehicles.

Why didn't I hear about the Community Decay Ordinance in 2001 when the Commissioners were in the process of adopting it?

The Board of County Commissioners published legal advertisements in the newspaper to notify the general public about the proposed ordinance. The local press also did several stories at the time about the new Community Decay Ordinance. The Commissioners work to inform the public when new ordinances or resolutions are adopted but limited budgets don't allow the Commissioners to send a personal notice to every property owner.



THE FOLLOWING DEFINITIONS APPLY TO THIS ORDINANCE.

ABATE—To repair, replace, remove, destroy or otherwise remedy the condition in question by such means, in such a manner and to such an extent that is determined necessary in the interest of the health, safety and general welfare of the effected community.



AGRICULTURAL OR FARMING OPERATION

—The use of land for agriculture purposes, including farming, dairying, pasturage agriculture, grazing land, animal and poultry husbandry, horticulture, floriculture, viticulture and forestry including all uses customarily incidental thereto including any agriculture industry or business including but not limited to commercial feed lots, animal hospitals, food processing plants, fur farms or similar uses. Agricultural and farming operations also include any property used for crops, livestock or wood lots maintained for the personal use or enjoyment of the property owner and family members. **Any open storage of materials or equipment on such property must be related and incidental to the normal operation of such farm, ranch or woodlot.**

ATTRACTIVE HAZARD—The open storage on property of any container having a compartment of more than 1-1/2 cubic feet capacity and a door or lid that locks or fastens automatically when closed and cannot be easily opened from the inside that may attract children.



COMMUNITY DECAY—A public nuisance created by allowing rubble, debris, junk, junk vehicle(s), dangerous structure(s) or refuse to accumulate on or adjacent to a public right-of-way so that it 1) endangers safety or health, is offensive to the senses, or obstructs the free use of property so as to interfere with the comfortable enjoyment of life or property; or 2) a condition which renders dangerous for passage any public right-of-way.

DANGEROUS STRUCTURE—Any dangerous, decaying, unkempt, falling or damaged residential dwelling or other structure designed for human occu-

pancy that is unattached to a permanent foundation, excluding any structure related to an agricultural or farming operation.



ENFORCEMENT OFFICER

Any County employee so designated by the Board of County Commissioners.

JUNK—The open storage of old appliances, equipment, or parts thereof, old iron or other scrap metal weighing in excess of 50 pounds, automobile or truck tires, cardboard, old lumber stored for more than 180 days, rags, rope, paper, debris, rubble, batteries, rubber debris, mattresses or any worn out, cast off or discarded article or material which is ready for destruction or has been collected or stored as salvage for conversion to some other use or for reduction into components and is not part of an approved commercial or public salvaging or recycling operation.

JUNK VEHICLE—Any discarded, ruined, wrecked or dismantled motor vehicle, including any component parts, which is not currently licensed and remains inoperative or incapable of being driven.

OBSTRUCTION TO THE PUBLIC RIGHT-OF-WAY

—The placement of any debris, refuse, rubble, dirt, gravel, soil, fence, junk, junk vehicle or other personal property so as to obstruct traffic, drainage, pedestrians or otherwise safe and open access to such right-of-way.



PERSON—Any individual, firm, association, partnership, corporation or any entity, public or private.

PREMISES—Any lot, parcel of land, building, parcel, real estate, land or portion of land whether improved or unimproved including any portion of any street, right-of-way or alley lying between such lot or parcel of land and the center of such street, right-of-way or alley.

RESPONSIBLE PERSON—Any agent, lessee, owner or other person occupying or having charge or control of any premises.